THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.20320 OF 2007

DATED: 27-09-2007

BETWEEN

Battula China Veerla Venkaiah,
S/o. Balaiah, R/o. Nemalipuri
Village, Rajupalem Mandal,
Guntur District and others.

...PETITIONERS

AND

The Government of Andhra Pradesh
Rep. by the District Collector,
Guntur District at Guntur and two others.

...RESPONDENTS

ORDER:

Petitioners submit that the Tahasildar, Rajupalem Mandal, Guntur District – third respondent passed an order in R.C.No.257/2006-A dated 16.04.2007 resuming the lands in their possession to Government custody without issuing any notice as contemplated under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules') and stated that the beneficiaries have failed to reply to the notice.

2. A perusal of the said order goes to show that there is no reference with regard to issuance of any notice, therefore, the question of filing any reply does not arise; but the said order has been passed as if the beneficiaries failed to file any reply.

3. Learned counsel for the petitioners submits that though the

impugned order is in utter violation of principles of natural justice and the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and the Rules made thereunder, the petitioners filed an appeal before the Revenue Divisional Officer – second respondent on 21.06.2007 along with stay application and the same is pending. He further submits that even before the appellate authority disposed the appeal, the third respondent is taking steps to dispossess the petitioners.

4. Having regard to the facts and circumstances of the case,
the second respondent is directed to consider and dispose the appeal filed by the petitioners against the order passed by the third respondent in R.C.No.257/2006-A dated 16.04.2007 as expeditiously as possible and pending disposal of the appeal the petitioners shall not dispossessed from the lands in question.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

September 27, 2007
Note: Issue operative portion by wire at party's costs
(**B/o**)
DSK